

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-27 are pending in this case. Claims 1-27 are amended by the present amendment to correct matters of form and to clarify the claimed elements. As such, the amended claims are supported by the original disclosure and add no new subject matter.

In the outstanding Office Action, the specification was objected to at pages 34 and 46 and for the title; Figures 1, 5, 7, 15, and 16 were objected to as failing to provide descriptive text labels; Claims 1, 3, 5, 7, 9-13, 15, 17, 19, 21-27 were rejected under 35 U.S.C. §102(e) as being anticipated by Miyoshi et al. (U.S. Pub. No. 2003/0179861 A1, herein “Miyoshi”); and Claims 2, 4, 6, 8, 14, 16, 18, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi, further in view of Guha (U.S. Patent No. 5,699,369).

Applicant and Applicant’s representatives thank Examiners Pwu and Musa for the courtesy of an interview with Applicant’s representatives on August 22, 2007. During the interview, the Examiners indicated that the amended claims presented herein would likely be patentable over Miyoshi. The Examiners also indicated that Claims 4, 8, 16, and 20 include allowable subject matter. The arguments regarding Miyoshi presented during the interview are substantially repeated herein.

The specification has been amended to include a more descriptive title and to address the objections to the hyperlinks. Thus, Applicant respectfully requests that the objections to the specification be withdrawn.

Applicant respectfully traverses the objections to the Figures.

Applicant requests further clarification of the reference in the outstanding Office Action to “data units,” and respectfully submits that “data processing units” are shown in the figures. For example, the data processing unit configured to execute FEC encoding and

interleave processing, as recited in Claim 4, is labeled in Fig. 4 as 252. Further, the data processing unit configured to execute data processing, as recited in Claim 9, is labeled in Fig. 3 as 202.

Applicant also respectfully submits that descriptive text labels have not been omitted from Figures 1, 5, 7, 15, and 16. In Figures 1, 7, 15, and 16, the unlabeled rectangular boxes inside boxes 111 through 115 are meant only to represent generic components of generic nodes. In Figure 5, the unlabeled rectangular boxes are meant only to represent generic blocks of data.

Thus, Applicant respectfully requests that the objections to the drawings be withdrawn.

Applicant respectfully traverses the rejection of Claims 1, 3, 5, 7, 9-13, 15, 17, 19, and 21-27 under 35 U.S.C. §102(e).

Amended independent Claim 1 recites an information processing apparatus as a recording command apparatus which includes

a rule deciding condition setting unit configured to set data to allow a determination of whether processing according to the processing request is to be executed in any node of the plurality of nodes that receives the data recording processing request;

a packet generating unit configured to store data set by the rule deciding condition setting unit, and configured to generate a data recording processing request packet that includes data for recording processing; and

a network interface unit configured to transmit the packets generated by the packet generating unit to each node in the plurality of nodes.

Miyoshi describes transmitting stream data for recording and transmitting mute data until the recording mechanism begins to record such that data to be recorded is not lost.<sup>1</sup> In

---

<sup>1</sup> From Miyoshi at Abstract.

Miyoshi, a communication means is connected to a recording unit via a network.<sup>2</sup> The data transmitting apparatus of Miyoshi has a control means that transmits data indicating mute to the recording unit during the time period when the data holding means holds a first predetermined value.<sup>3</sup> When the data holding means holds a second predetermined value, stream data is inputted to the recording unit through the network.<sup>4</sup>

The outstanding Office Action asserts that the recording unit request command in paragraph [0029] of Miyoshi is a “data recording processing request” as recited in Claim 1.<sup>5</sup> However, while the request described in Miyoshi is a request for a mini disc unit to start recording, the data recording processing request recited in Claim 1 is a request for each of the nodes that receive the request to determine if that node should process a recording request. That is, unlike a mini disc unit in Miyoshi that receives a recording request, a node that receives a data recording processing request will not necessarily record data.

Further, the outstanding Office Action asserts that the rule deciding condition setting unit recited in Claim 1 is described in Miyoshi at paragraph [0051] by the judgment unit to control changeover data.<sup>6</sup> However, while the judgment unit described by Miyoshi controls changeover from mute data to the data stream to be recorded, the rule deciding condition setting unit sets “data to allow a determination of whether processing according to the processing request is to be executed in any node of the plurality of nodes.” Thus, the rule deciding condition setting unit is not merely affecting a changeover from mute data to a data stream for recording to a mini disc unit already-identified as the unit that will record the data.

Because Miyoshi does not teach the elements of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 1 (and all claims dependent therefrom) be withdrawn.

---

<sup>2</sup> From Miyoshi at paragraph [0006].

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See outstanding Office Action at page 5.

<sup>6</sup> See outstanding Office Action at page 5.

Claim 13 is directed to a data recording processing method and recites transmitting a data recording processing request and a rule deciding condition setting step.

Claim 25 is directed to a computer program for transmitting a data recording processing request and also recites a rule deciding condition setting step.

As discussed above with respect to Claim 1, Miyoshi does not teach transmitting a data recording processing request or setting a rule deciding condition.

Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 13 (and all claims dependent therefrom) and Claim 25 be withdrawn.

Amended independent Claim 5 is directed to an information processing apparatus as a reproducing command apparatus that transmits a data reproducing processing request and also includes a rule deciding condition setting unit.

As discussed above, Miyoshi does not teach at least the elements of a rule decision condition setting unit and transmission of a processing request that includes data generated by the rule decision condition setting unit. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 5 (and all claims dependent therefrom) be withdrawn.

Claim 17 is directed to a data reproducing processing method and recites transmitting a data reproducing processing request and a rule deciding condition setting step.

Claim 26 is directed to a computer program for transmitting a data reproducing processing request and also recites a rule deciding condition setting step.

As discussed, Miyoshi does not teach at least the elements of a rule deciding condition setting step.

Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 17 (and all claims dependent therefrom) and Claim 26 be withdrawn.

Amended independent Claim 9 is directed to an information processing apparatus with a data reception unit, a rule decision processing unit “configured to determine whether data processing based on a data processing request...is to be executed,” and a data processing unit “configured to execute data processing based on the determination of the rule decision processing unit.”

The outstanding Office Action asserts that Miyoshi describes a rule decision processing unit with the judgment unit of paragraph [0051].<sup>7</sup> However, while the rule decision processing unit of Claim 9 is configured to determine whether processing based on the data processing request is to be executed, the judgment unit of Miyoshi, as described above, is merely judging when the data to the recorder should changeover from mute data to the data stream.

In addition, the rule decision processing unit recited in Claim 9 is in the information processing apparatus that receives a processing request. The cited judgment unit of Miyoshi was also cited as the rule deciding condition setting unit, which is in the information processing apparatus that transmits a processing request. The judgment unit of Miyoshi is in the device driver layer of the PC as shown in Fig. 5 and is not in the mini disc unit that receives the recording request. Thus, the judgment unit of Miyoshi cannot be the rule decision processing unit recited in Claim 9.

Further, the outstanding Office Action does not identify a portion of Miyoshi that describes the data processing unit recited in Claim 9. Miyoshi does not describe a data processing unit configured to execute data processing based on the determination of the rule decision processing unit, because the judgment unit of Miyoshi, asserted as a rule decision processing unit, only determines what data, mute or data stream, goes to the mini disc unit.

---

<sup>7</sup> See outstanding Office Action at page 8.

As recited in Claim 9, however, the rule decision processing unit determines whether a recording or reproducing request should undergo processing by the data processing unit.

Because Miyoshi does not teach the elements of Claim 9, as set forth above, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 9 (and all claims dependent therefrom) be withdrawn.

Claim 21 is directed to a data processing method and recites a rule decision processing step and “a data processing step for executing data processing based on the determination of the rule decision processing step.”

Claim 27 is directed to a computer program for analyzing a data processing request and also recites a rule decision processing step and a data processing step.

As discussed above with respect to Claim 9, Miyoshi does not teach rule decision processing or data processing as recited in Claim 9 and included in Claims 21 and 27.

Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 21 (and all claims dependent therefrom) and Claim 27 be withdrawn.

Finally, Applicant respectfully traverses the rejection of Claims 2, 4, 6, 8, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi in view of Guha.

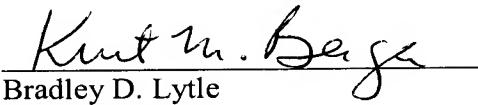
Claims 2, 4, 6, 8, 14, 16, 18, and 20 are dependent from Claims 1, 5, 13, and 17. Thus, Claims 2, 4, 6, 8, 14, 16, 18, and 20 patentably define over the cited references for at least the reasons discussed above with respect to claims 1, 5, 13, and 17.

Further, Guha does not cure the deficiencies of Miyoshi. Guha describes adaptive forward error correction but does not teach the elements of Claims 1, 5, 13, and 17 that Miyoshi lacks.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Kurt M. Berger, PhD.  
Registration No. 51,461

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\UMP\25's\254519US\25419US AMEND1.DOC